



A regular meeting of the City of Delta Planning Commission was held on Monday, May 2, 2011 at 6:30 p.m. in the City Council Chambers of City Hall at 360 Main Street, Delta, Colorado. Said meeting posted in accordance with the Sunshine Law.

PRESENT: Gerald Roberts, Chairman; Tish Oelke, Vice-Chairman; Gary Burnett, Commissioner; Carl Jahn, Commissioner; Richard Simmons, Commissioner; Glen Black, Director of Community Development; Sharleen Walker, Executive Secretary.

ABSENT: Pat Dearmin, Commissioner – having given prior notice.

GUESTS: Bradford Davis.

CHANGES TO THE AGENDA

There were no changes to the agenda.

ELECTION OF PLANNING COMMISSION CHAIR

A motion was made by Richard Simmons, seconded by Carl Jahn to appoint Gerald Roberts as the Chairman of the Planning Commission. All voted yes. Motion passed.

ELECTION OF PLANNING COMMISSION VICE-CHAIR

A motion was made by Richard Simmons, seconded by Carl Jahn to appoint Tish Oelke as the Vice-Chairman of the Planning Commission. All voted yes. Motion passed.

MINUTES

A motion was made by Richard Simmons, seconded by Carl Jahn to approve the minutes of the Planning Commission held on Monday, March 7, 2011 as corrected. All voted yes. Motion passed.

CITIZEN COMMENTS

No citizen comments.

VARIANCE REQUEST AT 762 DODGE STREET

The Planning Commission considered a fence height variance request for 762 Dodge Street. Chairman Roberts opened the public hearing. Glen Black, Community Development Director reviewed the staff report with the Planning Commission.

Mr. Black reviewed the criteria for variance requests: according to section 17.04.260 of the City Municipal Code, the Planning Commission may approve a variance from the provisions of this chapter (17.04), other than the uses specified for any district or restrictions on the location of factory built housing, only if it determines following review pursuant to Section 17.04.290 that the **following** criteria are substantially met:

1. The variance will not adversely affect the public health, safety and welfare.

2. Unusual physical circumstances exist, such as unusual lot size or shape, topography, or other physical conditions peculiar to the affected property which make it unfeasible to develop or use the property in conformity with the provisions of this Chapter in question.
3. The unusual circumstances have not been created as a result of the action or inaction of the applicants, other parties in interest with the applicant, or their predecessors in interest.
4. The variance requested is the minimum variance that will afford relief and allow for reasonable use of the property.
5. The variance will not result in development incompatible with other property or buildings in the area, and will not affect or impair the value or use or development of other property.

The Planning Commission may impose conditions of approval as necessary to insure that the above criteria are met including limitations on the effective term of the variance.

Additionally, Mr. Black stated that the applicant's request is to place an 8 foot fence between the church parking lot and the neighboring property to the north and that the City's Municipal Code only allows for a 6 foot fence, without a variance. Mr. Black informed the Planning Commission that the property has been posted, that the public notice was placed in the newspaper and that one petition had been received from the neighborhood in favor of the variance.

Mr. Black reviewed staff's recommendation with the Planning Commission, reminding Planning Commission that Planning Commission's motion must include the criteria on which their decision is being based.

Brad Davis, representative of the applicant, addressed the Planning Commission. Mr. Davis stated that the property's legal description includes Lots 17 to 21 on the Original City of Delta Plat. Mr. Davis informed the Planning Commission that the Delta First Assembly of God Church started the process to find out what would be required to build a fence between the two properties in June 2010, and contemplated building a fence two years before that. Mr. Davis stated that the parking lot is used on Wednesday evenings as a large play field for the Church's youth groups and that recreation equipment, such as balls and Frisbees sometimes go onto the neighboring property's yard. Additionally, Mr. Davis stated that unwanted persons go through the parking lot to the alley and that without a fence between the properties that it is difficult to supervise the youth, as they go behind the Church building.

Additionally, Mr. Davis stated that the curb was placed between the properties to keep water run-off of the neighbor's property. Mr. Davis informed the Planning Commission that the residential property is for sale, but that the Church is not interested in purchasing the property at this time. Mr. Davis stated that the main reason for the variance request is for a fence to provide a backstop for the recreation equipment, so that the equipment does not go into the neighbor's yard. Additionally, Mr. Davis stated that there have been some recent problems with vandalism related to the Church's vehicles and trailer and that an additional request would be to build a parking structure/cage for the vehicles and trailer. Mr. Davis stated that the structure/cage would be 10 feet in height and 40 feet by 20 feet and be covered with chain link. Mr. Davis stated that there would be approximately 81 linear feet of fence, with 20 feet of the fence 10 feet in height and the remainder of the fence 8 feet in height.

Mr. Davis stated that the fence and parking structure/cage would not affect property values in the area. Mr. Davis cited an example of a chain link enclosure near 12th Street that has been in place several years that still looks good. Additionally, Mr. Davis stated that the chain link fence proposed for the property would be industrial grade and would hold up better than normal residential chain link fencing.

Glen Black, Community Development Director, stated that the request for the parking structure/cage could be considered through a building permit and that the Planning Commission should only consider the fence height variance request, with the fence being linear between the two properties.

The Planning Commission requested that the applicant address each of the criteria for a variance and state how each of the criteria has been met. The applicant reviewed the criteria with the Planning Commission.

Chairman Roberts closed the public hearing. The Planning Commission discussed the request.

A motion was made by Tish Oelke, seconded by Carl Jahn to approve the applicant's request for a variance at 762 Dodge Street from the fence height requirements of 17.04.240.B.1 of the City's Municipal Code because the criteria has been substantially met with the following conditions: that a chain link fence with the height variance of 10 feet within the first 20 feet next to the building and then 8 feet height to the property line. All voted yes. Motion passed.

The Planning Commission thanked Mr. Davis for his presentation and stated that the applicant should contact the Building Department regarding the parking structure/cage.

COMMISSIONER COMMENTS

The Planning Commission and staff discussed the vacancy on the Planning Commission. Staff will continue to advertise and the Planning Commission members will continue to talk with residents about serving on the Planning Commission.

Chairman Roberts stated that he would be absent for the June meeting.

ADJOURNMENT

A motion was made by Carl Jahn to adjourn the regular Planning Commission meeting of May 2, 2011. The meeting was adjourned at 7:35 p.m. with no further action taken.

Sharleen R. Walker, Executive Secretary